



PERMANENT MISSION OF FINLAND

GEN5006-22

VERBAL NOTE

The Permanent Mission of Finland to the United Nations and other International Organisations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights and has the honor to deliver the answers of the Government of Finland to the questions relating to decision PC.1/10 of the Preparatory Committee of the Durban Review Conference at its First Session (A/62/375).

The Permanent Mission of Finland to the United Nations and other International Organisations in Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurance of its highest consideration.

Geneva, 29 February 2008

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Government of Finland

Replies to the Questionnaire to Member States prepared by the Office of the United Nations High Commissioner for Human Rights, pursuant to decision PC.1/10 of the Preparatory Committee of the Durban Review Conference at its First Session (A/62/375).

Question 1: Can you assess the implementation of the Durban Declaration and Programme of Action in your country?

1. Finland participated actively in the negotiations at the Durban World Conference that took place in 2001 and agreed on the final document. Since the Durban World Conference, Finland has focused its efforts on the full implementation of the agreed principles and operational recommendations of the Durban Declaration and Programme of Action.

2. Finland considers that all men and women are born free and equal in dignity and in rights. Finland is fully determined to tackle racism, racial discrimination, xenophobia and all related intolerance.

Question 2: Can you assess contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance as well as initiatives in this regard with a view to eliminating them in your country?

3. The Finnish authorities and members of different civil society groups find that although racist acts exist to some extent in Finland, they are essentially spontaneous and not politically-organised phenomena.

4. In general, manifestations of anti-Semitism in Finland have included threats, signs displayed at demonstrations and graffiti. There have also been some cases where letters with anti-Semitic content have been published in newspapers. The persons responsible have been or are being prosecuted under the provisions against ethnic agitation. Also there have been cases that unbalanced and sometimes racist or xenophobic reporting, especially in the local press in Finland, has occurred. On the internet, however, there is a great deal of racist hate speech.

5. The members of the Roma communities in Finland face prejudice, disadvantage and discrimination in different areas of life, including education, employment, housing and access to services. Romas are often victims of discrimination based on multiple reasons. At the initiative of the Ombudsman for Minorities the employment authorities started in 2002 a project to make the services of the employment authorities more effective in regard to the situation of the Roma. EU funded projects relating to employment of Roma have also been implemented, for example various handbooks have been produced. The Ministry of Employment and the Economy has also ordered a survey on how the employment services and the Roma customers meet. The Ombudsman for Minorities has stressed the need for a comprehensive strategy on the situation of the Roma, but the Government has not made such a strategy. Although a number of initiatives have been taken in this direction, the overall situation of the Roma population of Finland has not improved in a visible manner.

6. The members of the Somali communities of Finland are also vulnerable to problems of racism and racial discrimination. In order to address this and other problems of concern to the Muslim communities, the Ombudsman for Minorities has promoted the creation of a co-coordinating body that brings together representatives of different Muslim organisations and groups. The Ombudsman has for example organised collaborative meetings between the Somali League in Finland and various authorities, where practical problems faced by Somalis in Finland have been discussed and addressed. The founding meeting of the Islamic Council in Finland took place in November 2006.

7. The members of Russian-speaking communities face negative societal attitudes and manifestations of intolerance in Finland. An *ad hoc* working group of the Advisory Board for Ethnic Relations (ETNO) has prepared a report on the situation of the Russian-

speaking population. The report was issued in 2003. Since then, questions concerning xenophobia against Russian-speaking communities in Finland have been dealt with in a working group on anti-racism that worked under ETNO. A seminar on xenophobia against Russian-speakers was organised in December 2007. At the seminar certain issues were identified which could be further developed within the framework of ETNO.

8. It has also been recommended by some international monitoring bodies that the Finnish authorities intensify their efforts to resolve the issue of controversy concerning land rights in the Sámi Homeland, in close co-operation with the representatives of the Sámi indigenous people. The Finnish authorities should also improve the opportunities for Sámi people to use their languages in contacts with the authorities in the Sámi homeland and that they improve the implementation of the right of Sámi to mother tongue education. The possibilities for Sámi indigenous people to get services in their own languages by municipalities should also be increased and safeguarded as required by law. Since the recommendations, the Finnish Government Authorities have continued preparations concerning a bill, which focuses among other things on use of land in the Sámi Homeland safeguarding the rights guaranteed in the ILO Convention on Indigenous and Tribal Peoples (No. 169).

Question 3: Please identify concrete measures and initiatives for combating and eliminating all manifestations of racism, racial discrimination, xenophobia and related intolerance in order to foster the effective implementation of the Durban Declaration and Programme of Action.

9. Section 6 of the Constitution of Finland contains both a general equality provision and an extensive prohibition of discrimination covering all spheres of life. In addition, there are many non-discrimination provisions in the Non-discrimination Act and special acts.

10. The Non-discrimination Act (21/2004) took effect on 1 February 2004. It implemented Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin and Council Directive (2000/78/EC) establishing a general framework for equal treatment in employment and occupation.

11. Compliance with the provisions of the Act is supervised by the Ombudsman for Minorities and the National Discrimination Tribunal from the viewpoint of ethnic origin, and by occupational safety and health authorities from the viewpoint of employment relationships (included the terms of employment, work arrangements and working conditions) and civil service relationships and apprenticeship contracts.

12. The legal remedies available to victims of ethnic discrimination are the rights to bring criminal action, to bring civil action in order to get compensation, and to bring the case before the National Discrimination Tribunal.

13. The anti-discrimination directives of the European Community were implemented on the Åland Islands in December 2005 by enacting a Provincial Act on the prevention on discrimination in the Province of Åland. In 2006 an office of an independent Ombudsman for Discrimination was established on Åland.

14. In 2003 the Penal Code was supplemented with a provision (Chapter 17, section 1a) that criminalises participation in the activity of a criminal organisation and is applicable, *inter alia*, when an organised criminal group aims at ethnic agitation against a certain population group. The Penal Code was also supplemented with a provision on racist motives as grounds for increasing the severity of a punishment (Chapter 6, section 5(4)). There are also other specific Penal Code provisions regarding racial discrimination.

15. The completely revised Language Act, which is applicable to the national languages of Finland - Finnish and Swedish -, entered into force at the beginning of 2004. Also the

earlier general act on the linguistic rights of the Sámi has been replaced by a new Sámi Language Act.

16. A new Nationality Act was adopted and came into effect in June 2003. One of the main new elements introduced by the Act is the acceptance of multiple nationalities as a general principle.

17. A new Aliens Act took effect on 1 May 2004. The new Act contains more specific provisions on aliens' rights and obligations than the previous one.

18. The Act on the Exercise of Freedom of Expression in Mass Media (460/2003) took effect at the beginning of 2004.

19. National institutions against racism and discrimination include the following:

- Chancellor of Justice of the Government and Parliamentary Ombudsman supervise the implementation of basic rights and liberties and human rights. These supreme guardians of legality monitor the implementation of basic rights and liberties and human rights as a whole.

- Ombudsman for Minorities started work in 2001, and is responsible for advancing good ethnic relations in Finland and monitoring the status and rights of ethnic minorities. The Ombudsman's tasks were increased by a legislative amendment (22/2004) that took effect on 1 February 2004 in connection with the enactment of the new Non-discrimination Act. In addition to issuing guidance, advice and recommendations, the Ombudsman supervises compliance with the Non-discrimination Act outside employment relationships and service relationships governed by public law.

- National Discrimination Tribunal is an independent organ appointed by the Government to promote legal protection. Based on the Non-discrimination Act, the activities of the Tribunal increase *de facto* access to legal protection. The Tribunal does not replace existing legal remedies or review bodies, and it does not have any authority to amend decisions of other public authorities.

- The Ombudsman for Minorities or a victim of discrimination may refer a matter of ethnic discrimination to the National Discrimination Tribunal, which may confirm conciliated settlements between the parties or prohibit any continued or repeated behavior that infringes the prohibition of discrimination or reprisals. The Tribunal may also impose conditional fines to enforce compliance with its decisions, and, if necessary, order a payment of these fines. Moreover, a court of law, the Ombudsman for Minorities, other public authorities or voluntary associations may request the opinion of the Tribunal on the application of the Non-discrimination Act to any matter of ethnic discrimination.

- The Ombudsman for Minorities is assisted by the Advisory Board for Minority Issues, set up for the years 2005 - 2008. Together with the Ombudsman, the Board is dealing with issues concerning the prevention and monitoring of ethnic discrimination, and supervision of non-discrimination. It also promotes related cooperation between different authorities. The Ombudsman for Minorities is the Chairman of the Board, which consists of 14 members, who present state authorities, trade unions, ethnic minorities and other non-governmental organisations focusing on human rights.

- Ombudsman for Discrimination and Equality Council of the Åland Islands was established in 2006. His task is to promote and ensure equal treatment on the grounds of ethnic origin, religion and belief, disability, age and sexual orientation. An Equality Council was appointed to assist the Ombudsman.

- Advisory Board on Human Rights (IONK), which operates as an independent advisory body on human rights issues within the Ministry for Foreign Affairs since 1998. The eight term of the Board began in December 2007.

- Advisory Board on Language Issues is a permanent expert body and preparatory body, working in connection with the Ministry of Justice since 2004. The Board consists of experts of those sectors of society where the implementation of linguistic rights is particularly vital, for example the judiciary, social welfare and health care, municipal administration, aliens and immigration issues and education. The Board is primarily responsible for monitoring the implementation and application of the Language Act, but it may also engage in the drafting and monitoring of legislation on other languages, foster the development of the linguistic conditions in Finland and submit initiatives for the promotion of linguistic rights and the realization of linguistic equality.

- Advisory Board for Ethnic Relations (ETNO), whose purpose is to develop interaction between authorities, non-governmental organisations and the political parties represented in Parliament as well as immigrant and ethnic minorities at national, regional and local level. The Board assists authorities as an immigration policy expert in developing an ethnically equal and diverse society. The members of the Board are all immigrants or members of ethnic minorities. In addition to the national Board, the Government has appointed three regional Advisory Boards for Ethnic Relations and working groups dealing with different sectors of issues.

- Advisory Board on Romani Affairs (RONK) began its work as early as 1956. In addition to the national Board, regional Advisory Boards on Romani Affairs were established in 2004, with Roma and representatives of authorities as members. As cooperation and expert bodies between authorities and the Roma, both the national Board and the regional Board are responsible for such tasks as monitoring the development of Roma people's opportunities for societal participation and their living conditions, submitting initiatives, and promoting the Roma language and culture.

- The Sámi Parliament (Sámediggi) was founded by a separate act in 1996. It is a body of cultural autonomy, which continues the work of the Sámi Delegation (Sámi Parliament), operative in 1973-1995. The Parliament's most important task is to plan and implement the cultural autonomy guaranteed by the Constitution of Finland for the Sámi as an indigenous people. The Sámi Parliament is the supreme decision-making body of the Finnish Sámi. It falls within the authority of the Ministry of Justice but is not part of the state administration. The Parliament represents the Sámi in national and international contexts and attends to matters related to the language and culture of the Sámi and their position as an indigenous people. The Parliament may submit initiatives and proposals and prepare statements for authorities.

- Advisory Board on Sámi Affairs consists of 12 members, and in connection with the Ministry of Justice for coordination and consistent preparation of issues concerning the Sámi population. The Board's tasks include monitoring the development of Sámi people's legal, economic, social and cultural conditions and employment conditions. It also monitors the realisation of regional policy objectives in the Sámi Homeland. On the basis of its observations, the Board submits proposals and initiatives on these issues to the relevant ministries. The Sámi Parliament nominates six members of the Board, and the other members represent the Government.

20. The new core curriculum for basic education, which was introduced at schools by the beginning of the school year 2006-2007, takes account of the specific features of the teaching provided to different linguistic and cultural groups. All teaching must take into account the national and local specific features as well as the national language, the Sámi as an indigenous people and the ethnic minorities. The core curriculum also emphasises that schools must pay attention to the increased diversity of Finnish culture,

generated by immigrants with different cultural backgrounds. Non-governmental organisations provide many-sided teaching materials dealing with tolerance, multiculturalism and human rights to support the implementation of the curricula. The way in which the core curriculum is implemented in a specific school depends, however, on the individual teachers.

21. One priority in the further training of teachers is to enhance education for pupils with minority linguistic and cultural backgrounds. Emphasis is put on the further training of teachers of immigrants' native languages.

Question 4: How would your Government assess the effectiveness of the existing Durban follow-up mechanism and other relevant United Nations mechanisms in dealing with the issue of racism, racial discrimination, xenophobia and related intolerance in order to enhance them?

22. The proliferation of mechanisms dedicated to racism and racial discrimination can be detrimental to the fight against these scourges. Indeed, the multiplication of interlocutors at the UN level undermines their visibility and their accessibility by the outside world. Moreover, there is a clear risk of overlap and duplication.

23. Thus, there is a need to rationalize and streamline these mechanisms. The Durban review conference provides a good opportunity to decide on this rationalization with a view to enhance the effectiveness of these mechanisms. Until this conference, all the existing mechanisms should concentrate their work on their contribution to the review process without taking any new initiative.

Question 5: What are the steps taken by your Government to ratify and/or implement the International Convention on the Elimination of All Forms of Racial Discrimination and give proper consideration of the recommendations of the Committee on the Elimination of Racial Discrimination?

24. Finland agrees that at the international level, the Convention on the Elimination of all forms of Racial Discrimination (CERD) is the core legal instrument, full implementation of which is fundamental for the success of the global fight against racism.

25. Through its work, the Committee on the Elimination of Racial Discrimination has demonstrated the pertinence and usefulness of the Convention to address new and contemporary forms of discrimination, xenophobia and intolerance. This Convention should thus remain the legal basis of the International Community to fight racial discrimination as well as new and contemporary forms of discrimination, xenophobia and intolerance. The efforts for universal ratification of this instrument should be strengthened.

26. Finland has submitted its combined 17th, 18th and 19th periodic reports on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination to the Committee on the Elimination of Racial Discrimination in August 2007.

27. As had been recommended by the Committee, the latest report addressed in particular the matters that had been raised in the Concluding observations that the Committee submitted after considering the 16th Periodic Report of the Government of Finland at its 1161st session in August 2003. In addition, the report includes further information on recent legislation and measures taken in order to eliminate racial discrimination. The concluding observations of the Committee for Finland's latest report

have not yet been published. Finland has most often submitted its reports for the Committee on time.

Question 6: Please identify and share good practices achieved in the fight against racism, racial discrimination, xenophobia and related intolerance in your country.

28. The Council of Europe organized a European Youth Campaign entitled "All Different – All Equal" in order to reinforce the fight against racism, anti-Semitism, Xenophobia and Intolerance in 2006-2007. Finland, as a member state to the Council, joined the campaign by organising a parallel national campaign.

29. The European Commission against Racism and Intolerance (ECRI) issued its third report concerning Finland in May 2007. The preparation of the report included a country visit, during which a delegation of the Commission met representatives of authorities and non-governmental organisations in different parts of Finland.

30. The 2006 annual report of the European Monitoring Centre on Racism and Xenophobia (EUMC) was published in November 2006. The report provides, in respect of the EU member states, an overall review of racist violence and crime, employment, education, housing and legislation. The material for the report is collected by the RAXEN network (the Racism and Xenophobia network), which consists of the National Focal Points in the EU member states. In Finland this focal point is the Finnish League for Human Rights, which has annually published a report on racism and ethnic discrimination in Finland as part of its activities in the RAXEN network. Since 1 March 2007 the EUMC became the EU Agency for Fundamental Rights.

31. In general, the role of civil society and non-governmental organisations is important in Finland. Also in a fight against racism and discrimination the civil society contributions are highly valuable. The Ministry of Education gives regular financial support to activities aiming at fighting against racism, anti-Semitism, xenophobia and intolerance. In particular, it focuses on activities targeted to the youth.

32. The media including the internet plays a huge role, in good and bad, when it comes to either spreading and enforcing stereotypes and prejudice or promoting good ethnic relations. Especially the internet is still an area, where the laws against hate speech and harassment are not effectively implemented.

33. The role of prevention measures is detrimental to avoiding the most serious forms of racism. There are examples of racist bullying in schools triggering serious violence between different ethnic groups outside the school.